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5 Attorney for Defendant, PAUL WHITMORE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, } CASE NO: CRF-02-5301 OWW
11 Plaintiff, }
12 v. }
13 PAUL WHITMORE, }
14 Defendant. }

ORDER AFTER HEARING

16 The above matter came on calendar at the request of counsel for Defendant
17 Paul Whitmore, before the Hon. Oliver W. Wanger, Senior United States District Court
18 Judge on January 8, 2008 at 12:30 p.m. Mr. Whitmore was personally present
19 represented by his counsel, Roger K. Litman. The United States was represented by
20 David Gappa, Assistant United States Attorney.

21 At the request of the defense, Mr. Gappa exited the courtroom to allow the
22 defense to take up the matter of status of counsel for Mr. Whitmore. Oral
23 presentation was made to the court setting forth the reasons why Mr. Litman felt that
24 he could not ethically continue to represent Mr. Whitmore.

25 The court explained to Mr. Whitmore the law applicable to the situation before
26 the court. Mr. Whitmore advised the court that he understood his counsel's ethical
27 dilemma. Mr. Whitmore advised the court that he agreed that it was in his best
28 interest that Roger K. Litman be relieved as his attorney of record and that new

1 counsel be appointed for him.

2 Mr. Gappa then returned to the courtroom. The court stated its legal
3 conclusion that good cause had been set forth to relieve Roger K. Litman as the
4 attorney of record for defendant Paul Whitmore.

5 The matter was continued for a status conference to January 14, 2008 at 9:00
6 a.m. before Judge Wanger to afford the panel administrator a reasonable opportunity
7 to secure replacement counsel for Mr. Whitmore.

8 The court ordered that the notes of the Certified Shorthand Reporter, taken
9 during this hearing, are to be sealed and not transcribed or disseminated in any
10 manner absent specific order of the court.

11 **APPROVED AS TO FORM AND CONTENT:**

13 DATED: January 9, 2008

/s/ David Gappa

DAVID GAPP

Assistant United States Attorney

**This was agreed to by Mr. Gappa
via telephone, on January 9, 2008**

16 IT IS SO ORDERED.

17 **Dated: January 10, 2008**

/s/ Oliver W. Wanger

18 UNITED STATES DISTRICT JUDGE

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